

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

GUCCI AMERICA, INC.,

Plaintiff,

-against-

GUESS?, INC., MARC FISHER FOOTWEAR
LLC, THE MAX LEATHER GROUP/CIPRIANI
ACCESSORIES, INC., SEQUEL AG, K&M
ASSOCIATES L.P., VIVA OPTIQUE, INC.,
SIGNAL PRODUCTS, INC. and SWANK, INC.,

Defendants.

Civil Action No. 09cv4373
(SAS)

**NOTICE OF MOTION TO EXCLUDE
THE SURVEYS OF DR. MICHAEL
RAPPEPORT, GEORGE MANTIS, AND
DR. MICHAEL B. MAZIS**

PLEASE TAKE NOTICE that on a date and time to be set by the Court, in Courtroom 15C of the United States District Court for the Southern District of New York, located at 500 Pearl Street, New York, New York, 10007, Defendant and Counterclaimant Guess?, Inc., will and hereby does move before the Honorable Judge Scheindlin, Judge of the United States District Court for the Southern District of New York, for an order to exclude the surveys of Dr. Michael Rappeport, Mr. George Mantis, and Dr. Michael B. Mazis, and for any other further relief as this Court may deem just, proper, and equitable.

This Motion is based on the attached Declaration of Robert C. Welsh, together with the exhibits attached thereto; the accompanying Memorandum of Law; the Court's file in this action; any matters of which the Court may properly take judicial notice; the arguments of counsel; and all supplemental papers filed at or before the hearing on this Motion.

Dated: Los Angeles, California
August 25, 2011

O'MELVENY & MYERS LLP

By: 

Daniel M. Petrocelli (dpetrocelli@omm.com)

Robert C. Welsh (rwelsh@omm.com)

Andrew J. Frackman (afrackman@omm.com)

1999 Avenue of the Stars, Suite 700

Los Angeles, California 90067

Tel: (310) 553-6700

Fax: (310) 246-6779

*Attorneys for Defendants Guess?, Inc., The Max
Leather Group/Cipriani Accessories, Inc., Sequel
AG, K&M Associates L.P., Viva Optique, Inc.,
Signal Products, Inc., and Swank, Inc.*